

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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CLERK U.S. DIST. COURT
MINNEAPOLIS
12-1037 ADM/ASB

Kirk Gunnerson,

Court File No.:

Plaintiff,

v.

COMPLAINT

Mayo Clinic Rochester, a non-profit
corporation d/b/a Mayo Clinic and
Rochester Methodist Hospital,

Defendants.

PLAINTIFF FOR HIS CAUSES OF ACTION AGAINST THE DEFENDANTS
HEREIN ALLEGES AND STATES AS FOLLOWS:

I.

Jurisdiction of this Court exists pursuant to 28 U.S.C. § 1332 in that the matter in controversy herein exceeds the sum of Seventy-Five Thousand and no/100ths (\$75,000.00) Dollars, exclusive of interest, costs and disbursements and that the controversy is between citizens of different states.

II.

That at all times material hereto, plaintiff Kirk Gunnerson is a citizen of the State of Nebraska.

III.

That at all times herein defendant Mayo Clinic Rochester was a Minnesota corporation licensed under the laws of the State of Minnesota.



IV.

That at all times hereto, Defendant Mayo Clinic Rochester employed physicians, nurses and other health care providers through entities known as the Mayo Clinic and Rochester Methodist Hospital.

V.

That on December 13, 2007, plaintiff Kirk Gunnerson had surgery in the form of a right total elbow arthroplasty performed by agents and employees of the Mayo Clinic at Rochester Methodist Hospital.

VI.

Following said surgery, defendants negligently departed from the degrees of skill and care ordinarily possessed and exercised by healthcare providers under the same or similar circumstances in that they failed to accurately and adequately address symptoms of pain, tingling and numbness which plaintiff Kirk Gunnerson began to experience in his operated hand, and failed to initiate steps to relieve the cause or causes of such pain, tingling and numbness.

VII.

As a direct result of the defendants' negligence, plaintiff Kirk Gunnerson sustained severe and permanent injuries to his right arm and elbow which have in will in the future cause pain, discomfort and disability; his earning capacity has been and will be impaired; he has been and will be caused to expend sums of money for general medical care and treatment.

VIII.

As a direct result of the injuries and damages alleged, plaintiff has been damaged in an amount in excess of Seventy-Five Thousand and No/100ths Dollars (\$75,000.00).

WHEREFORE, plaintiff prays for judgment against the defendants herein for a reasonable amount in excess of Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), together with costs disbursements and interest as allowed by any and all applicable laws.

DATED: 04/25, 2012

MACKENZIE & DORNIK, P.A.

By: *Reed K. Mackenzie*
REED K. MACKENZIE (ID 66011)
Attorneys for Plaintiff
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(612) 335-3500

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all the issues of fact.

DATED: 04/25, 2012

MACKENZIE & DORNIK, P.A.

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